



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/313,535 05/13/99 PARULSKI

K 73251/PRC

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LM02/1110

EXAMINER

HARRINGTON, A

ART UNIT

PAPER NUMBER

2712

DATE MAILED:

11/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09318535

Applicant(s)

Parulki et al

Examiner

HARRINGTON

Group Art Unit

2712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5.13.99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-34 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-34 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Reissue Applications

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1- 28, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " the user control" in line 27. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the user control" in line 30. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1,2,5, 29-31, 33 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US 5,796,428).

Regarding claim 1, Matsumoto discloses a camera system for capturing and categorizing images of a variety of subjects (trips, weddings, etc.), where the camera comprises:

an image sensor(103; see figure 1);

a converter stage (inherently incorporated in the system);

a memory of storing plurality of categories/albums w/o titles providing classification of images (col. 3, lines 27-41 and 55-67 and col. 9, lines 55-67);

where the system controls the input images to be assigned a category/album w/o titles (wedding; baby) to be displayed (see figures 6, 7 and 8). The output signal is generated from controller correlating album/category data to the image wherein the image file data and album/category w/o title data are separately accessible for each image (see col. 11, lines 59-67 and col. 12, lines 1-10).

As for claim 2, the user stores categories in the memory 109 or 104 (col.7, lines 37-43 and col. 8, lines 35-42) which inherently incorporates firmware.

As for claim 5, see Examiners note in claim 1.

Claims 29-30 is substantially equivalent to claim 1 and analyzed as discussed in claim 1.

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As for claims 31 and 33- 34, the control means is user control (person making the album).Also, see Examiners notes in claims 1, 29 and 30.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US 5,515,101) in view Matsumoto et al. (US 5,796,428).

Regarding claim 1, Yoshida discloses a camera system(see figure 9) for capturing images comprising:

an image sensor;

a converter stage for converting images into digital images (inherently disclosed, not shown in the figure);

a memory means (7) for storing a plurality of categories(titles: wedding, baby etc) providing classification of the images by subject;

a processor means (26) for having the capability of assigning the categories to the images captured by the image sensor, each category provide a subject classification of one or more images (col. 2, lines 59-67);

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a control for selecting one or more categories for the images(col. 3, lines 40-45); and means for generating an output image signal comprising an image filed including a digital image data and category data (titles) where the one or more categories was selected by a controller (user controller; col. 5, lines 17-35). However, Yoshida fail to specifically discloses a camera system where the category data is separately accessible for each image apart the image data. Although, such accessibility is well known in the art, as taught by Matsumoto.

In the same field of endeavor, Matsumoto discloses a camera system where the user can selectively correlate categories w/o titles (wedding, baby, etc) with images to be displayed on a display. See figures 6-8). The image and category w/o title data are stored as correlated files in a memory and are reproduced upon control of the user. Further, the categories w/o titles may edited without any change to the image data correlated to the category/album w/o titles (change the category name, add a new image to the album, etc; col. 12, lines 6+) , therefore, the image data and category data are individually accessible. Thus, it would have been obvious to one of ordinary skill in the art at the time the image was made to modify the camera system of Yoshida, as taught by Matsumoto, to add versatility to a categorizing camera system and allowing the editing to image descriptions when necessary without degrading image data or hindering a users artistic freedoms in categorizing images while maintaining an automatic/efficient classification process, as taught by Matsumoto.

As for claim 2, see Examiners notes in claim 1 and the memory inherently incorporates firmware.

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As for claim 3-4, see Yoshida - col. 4, lines 42-64.

As for claim 5, see Yoshida- col. 4, lines 42-64 and see Examiners notes in claim 1.

As for claim 6, Yoshida discloses the titles are overlaid on the image data (col. 5, lines 26).

As for claims 7-16, see Examiners notes in claim 1 and; Yoshida ,col.1, lines 60-64 and col. 6, lines 19-41.

Claims 17-34 are substantially equivalent the to claims 1-16 discussed above and are analyzed as discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Monday to Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)


Or:

(703) 308-5359 (for informal or draft communication, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)

AMH: 

October 29 ,1999


TUAN HO
PRIMARY EXAMINER